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C O N F I D E N T I A L SECTION 01 OF 03 GUANGZHOU 001050

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SUBJECT: Wai Jia Nu: Gender Inequality in the Urban Village

¶1. (U) Classified by Consul General Robert Goldberg for reason 1.4 (d).

¶2. (SBU) SUMMARY: Over the last several months, equal rights for a group of women in South China who have married outside their home village has become an increasingly sensitive issue. After marriage, these women must transfer their residency permits to their husbands' villages, and in so doing lose their legal rights to village property and monetary benefits from collectively-managed village land. Two new laws taking effect October 1 may alleviate, but not resolve, the issue by allowing them to go to court to sue for the return of their share of collectively-owned property and by revising residency conditions for property benefits. END SUMMARY

Wai Jia Nu: A Definition

¶3. (U) The term "wai jia nu" (WJN) literally means a woman who is married to a man from outside her home village. More broadly, the WJN issue refers to women losing rights and privileges associated with their home village if they marry a man from another village. In most places in China, women are forced to transfer their residency permit to their husband's residency permit location within six months to one year of marriage registration. The residency permit allows her to vote in village elections, send her children to local schools and collect rental income from collectively-owned village properties. All rights unique to the woman's original home residency permit, such as proceeds from communal property rents, are ended once this transfer is complete. While the residency permit, or hukou, is designed to restrict people's movement, wai jia nu are unfairly affected by the system since their male counterparts are free to marry whom they please and move where they wish, without losing their rights.

Historical Reasons for Wai Jia Nu

¶4. (U) According to Chinese tradition, once a woman marries, she becomes part of her husband's household. In the past, if a woman married someone from outside the village, she would permanently leave her village for her husband's. Today, however, men and women often leave their home villages for work and educational opportunities and never return. Although behaviors have changed, the household registry laws still reflect the traditional concepts of marriage.

¶5. (U) In most places, forced transfer of a residency

permit is simply an administrative hassle. While the woman loses the rights associated with her home village, she gains them back in her husband's village. But in Guangdong province, which has gone through a period of rapid urbanization leading to skyrocketing property values, a woman marrying outside her home village may lose substantial income from communal rent receipts. As a result, the WJN issue affects villages that have been consumed by a larger metropolitan area due to urban sprawl.

The Creation of the Urban Village

¶ 16. (U) In the 1980's, as part of China's early economic reforms, the central government returned private land ownership to villagers in the countryside. During a period of unprecedented economic growth in the 1990's, cities in Guangdong province such as Guangzhou, Zhongshan and Dongguan started to expand beyond their original city limits. Villages that had once been in the countryside suddenly became urban villages. Ten years ago, Tian He village bordered the city of Guangzhou; now it is in the middle of one of Guangzhou's five central business districts and is home to the seventh tallest building in the world, the CITIC Plaza.

¶ 17. (U) These urban villages, however, are still organized in the same way as the countryside villages, complete with village committees and village elections. One difference is that instead of individually owning plots of land, many villagers have amalgamated their plots and turned the combined land over to the village committee to manage. The village committee then rents the land to residential complexes and businesses, and each year the committee divides the profits equally among all registered village

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inhabitants.

"It Is Not Just About the Money"

¶ 18. (U) Loss of property rights and access to an equal share of the village committee's yearly financial benefits are the issues most commonly raised by advocates fighting for women's equal protection under the law. The effects are multi-generational; not only do wai jia nu lose these rights, but their children do as well. Thus the children of women who marry within the village and the children of male villagers have access to these benefits, but the children of women who marry outside do not.

¶ 19. (C) According to Professor Lu Ying (protect) at Zhongshan University's Women and Gender Studies Center, "it is not just about the money." Women are also concerned about the loss of the right to vote in village elections and the right to send their children to village schools. Lu said that many women in Guangdong province live with their boyfriends and have children together but never marry because they do not want to lose their village's benefits.

Prevalence of the Problem

¶ 10. (C) It is unclear how many women are affected by the WJN issue. In Guangdong province, the estimates range from 200,000 to 400,000 women, or less than one percent of Guangdong's total population of approximately 100 million. "South China Rural Newspaper" reporter Feng Shan Shu (protect) said that other areas in China that have experienced rapid urbanization -- such as Fujian province and the city of Shanghai -- have the wai jia nu problem, but awareness in these places is limited due to tighter media controls.

¶ 11. (C) Policies that affect wai jia nu vary from village

to village. According to Feng, in Guangzhou, certain villages such as Shi Pai and Tian He are known for their serious WJN problems. But Tan Dong village, which neighbors Tian He village, has resolved the problem. Tan Dong's village committee passed a collective agreement, which clearly states that women who marry, move to their husband's village, and transfer their residency permits can continue to keep their legal share of village property and receive yearly monetary benefits. Feng said it is widely believed that Tan Dong village's progressive policies are due to the fact that the village committee head has three daughters.

¶12. (C) Areas around Guangzhou which have unresolved WJN issues include Panyu, Nanhai, Shunde and Zhongshan. Mr. Feng said that the city of Dongguan passed laws in 2004 that protect the rights of wai jia nu.

Government Efforts to Solve the Wai Jia Nu Problem

¶13. (C) Two new laws which will come into effect on October 1 may improve the situation of wai jia nu. The first is the national property law. Feng was optimistic that this would help wai jia nu since it could allow them to go to court to sue for the return of their share of collectively-owned property. Since private property was not previously protected by law, the only recourse for affected women was to file a petition with the village committee.

¶14. (C) The second law is Guangdong's Implementation Measures on the PRC's Law on Protecting Women's Legal Rights and Interests, which, according to Feng, is an improvement over the law it replaced. The old law stated that women could enjoy the same rights as men only if they lived in their home village and abided by family planning policies. The new law still requires women to possess their home village's residency permit, but physical residence in the village and abiding by family planning policies are no longer preconditions for property benefits.

¶15. (SBU) Despite media announcements in July that the latter law would take effect October 1, several village committees passed regulations this summer denying wai jia nu property rights or making it harder to recover them. For example, on August 30, Tou Village Committee in Panyu City passed new regulations that said only women already registered in the village could keep their shares in the

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collective economy. Such disconnects between provincial and local lawmakers remain a serious obstacle to the resolution of the WJN issue.

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